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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/646,554	08/22/2003	Alexander K. Schowtka	03-008CIP	9444

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EXAMINER	
LAY, MICHELLE K	
ART UNIT	**PAPER NUMBER**
2672	

DATE MAILED: 03/07/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/646,554	SCHOWTKA, ALEXANDER K.	
	Examiner	Art Unit	
	Michelle K. Lay	2672	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *02 February 2006*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *4-38* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☒ Claim(s) *19-26* is/are allowed.

6)☒ Claim(s) *4-18 and 27-38* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *22 August 2003* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 02/02/2006 has been entered.

Response to Amendment

The amendment filed on 02/02/2006, has been entered and made of record. Claims 4-38 are pending.

Response to Arguments

Applicant's arguments with respect to claims 4-32 have been considered but are moot in view of the new ground(s) of rejection.

Allowable Subject Matter

Claims 19-26 are allowed.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

1. Claims **4-16**, **27-29**, **33**, **35**, and **37** are rejected under 35 U.S.C. 103(a) as being unpatentable over Breen (2004/0117735 A1) in view of Roses (2003/0055871 A1).

Breen teaches the limitations of claims 4-16, 27-29, 33, 35, and 37 with the exception of selecting a product layout from a plurality of layouts.

In regards to claim **4**, Breen teaches a method and system for generating presentation context having text and/or images. The presentation context (22) of Fig. 1 is the context in which the media content is transformed into a presentation page, which includes page layout style [0032]. The user first requests an image (said ***selecting an image***). This image is then delivered with the image in the style sheet (i.e. available space for this image in the layout for the page (said ***image container***) [0044]. Referring to Fig. 2 of Breen, the original image as shown can be cropped in alternate ways. The maximum cropping area (42) (said ***minimum image area***) is the smallest image that the graphical designer (said ***image preparer***) elects to be illustrated. The maximum cropping area (42) is protected; therefore the image within the maximum cropping area (42) cannot be cropped. This information is stored within the media content metadata profile (26) (said ***retained information***) [0037]. From the flowchart illustrated in Fig. 3, step 62

transforms the original image file according to the desired parameters, resulting in a cropped image according to the metadata profile provided (***performing cropping operation***) [0043].

Roses teaches creating a document using a creation and selection module (310) as illustrated in Fig. 4. In step 405, a template group is selected by a user (125) where the template includes a predefined format for a document [0033]. In step 410, a template is then selected from the group [0034] (said ***plurality of product layouts***). Furthermore, referring to Fig. 3, a document creation and selection module (310) is connected to the template database (204) and the document database (205). The document creation and section module (310) generates documents from templates stored in the template database (204) and may save the documents in the document database (205). Images incorporated in the documents may be retrieved from the image basket database (214) may store a list of images (said ***plurality of images***). A preview and purchase module (320) provides previews of documents and generates files that may be printed and purchased [0032].

Therefore, it would have been obvious to one of ordinary skill in the art for the user of Breen to select from a plurality of templates, i.e. page layout style, for versatility and customization of the presentation context.

In regards to claim **5**, Breen does not explicitly teach centering the minimum image area however; the maximum cropping area (42) (said ***minimum image area***) is the smallest image that the graphical designer elects to be illustrated. The maximum cropping area

(42) is protected; therefore the image within the maximum cropping area (42) cannot be cropped [0037]. Therefore it would have been obvious to one of ordinary skill in the art that the maximum cropping area (42) would contain the most valuable image information since this area is protected and thus, be the center of the cropped image.

In regards to claim **6**, the graphical designer selects the various cropping areas shown in Fig. 2. Therefore, it would have been obvious to one of ordinary skill in the art for the graphical designer to define the cropped area to their desire, i.e. crop the image so that the maximum cropping area (41) (said ***minimum image area***) is in the same relative position as it is in the original. The graphical designer may want to do so in order to provide aesthetic appeal.

In regards to claim **7**, referring to Fig. 2 of Breen, the graphical designer (said ***image preparer***) can select an image border area (36), a maximum image area (38), an optimum cropping area (40), and a maximum cropping area (42). This information is stored within the media content metadata profile (26) (said ***retained information***) [0037]. From the flowchart illustrated in Fig. 3, step 62 transforms the original image file according to the desired parameters, resulting in a cropped image according to the metadata profile provided (***performing cropping operation***) [0043]. Thus, by defining and selecting the different areas, the borders redefine the image, i.e., ***resize*** prior to the cropping operation, i.e., step 62.

In regards to claim **8**, Breen teaches a method and system for generating presentation context having text and/or images. The user first requests an image (said ***selecting an image***). This image is then delivered with the image in the style sheet (i.e. available space for this image in the layout for the page (said ***image container***) [0044]. Referring to Fig. 2 of Breen, the original image as shown can be cropped in alternate ways. The optimum cropping area (40) (said ***ideal image area***) is the preferred image that the graphical designer (said ***image preparer***) prefers to be illustrated. This information is stored within the media content metadata profile (26) (said ***retained information***) [0037]. Referring back to Fig. 4, if the optimal cropping area exists (***to the extent possible***), the image is cropped [0046].

Roses teaches creating a document using a creation and selection module (310) as illustrated in Fig. 4. In step 405, a template group is selected by a user (125) where the template includes a predefined format for a document [0033]. In step 410, a template is then selected from the group [0034] (said ***plurality of product layouts***). Furthermore, referring to Fig. 3, a document creation and selection module (310) is connected to the template database (204) and the document database (205). The document creation and section module (310) generates documents from templates stored in the template database (204) and may save the documents in the document database (205). Images incorporated in the documents may be retrieved from the image basket database (214) may store a list of images (said ***plurality of images***). A preview and purchase module (320) provides previews of documents and generates files that may be printed and purchased [0032].

Therefore, it would have been obvious to one of ordinary skill in the art for the user of Breen to select from a plurality of templates, i.e. page layout style, for versatility and customization of the presentation context.

In regards to claim **9**, Breen teaches that if the optimal cropping area (said ***ideal image area***) exists then if the maximum image width/height is longer than the width/height of optimal cropping area, the image width/height is cropped to the width/height of the optimal cropping area; otherwise it is cropped to the maximum image width/height, where the maximum image width/height (38) is illustrated in Fig. 2 [0046]. Therefore, with this logic, the center of the optimal cropping area is preserved.

In regards to claim **10**, claim 10 recites similar limitations as claim 7 and thus, is rejected with the same basis and rationale as claim 7.

In regards to claim **11**, claim 11 recites similar limitations as claims 4 and 8 and thus, is rejected with the same basis and rationale as claims 4 and 8.

In regards to claim **12**, claim 12 recites similar limitations as claim 6 and thus, is rejected with the same basis and rationale as claim 6.

In regards to claim **13**, claim 13 recites similar limitations as claim 5 and thus, is rejected with the same basis and rationale as claim 5.

In regards to claim **14**, claim 14 recites similar limitations as claim 9 and thus, is rejected with the same basis and rationale as claim 9.

In regards to claim **15**, claim 15 recites similar limitations as claim 7 and thus, is rejected with the same basis and rationale as claim 7.

In regards to claim **16**, claim 16 recites similar limitations as claim 11 and thus, is rejected with the same basis and rationale as claim 11. Furthermore, the method and system of Breen includes a computer program product stored on at least one computer-readable medium implementing the method of Breen [0051].

In regards to claim **27**, claim 27 recites similar limitations as claim 4 and thus, is rejected with the same basis and rationale as claim 4. Furthermore, Breen teaches a user device (12) as shown in Fig. 1 which accesses a website hosted on one or servers (18) via a network (16). Although Breen does not explicitly teach the servers having data storage means, it is implicit since parameters are needed to be stored [Breen: [0036]]. Additionally, Roses teaches a document server (202) as illustrated in Fig. 2 which is connected to the template database (204) for storing templates [Roses: [0028]]. The same reasons for combining as applied to claim 4 is incorporated herein.

In regards to claim **28**, claim 28 recites similar limitations as claim 8 and thus, is rejected with the same basis and rationale as claim 8. Furthermore, Breen teaches a

user device (12) as shown in Fig. 1 which accesses a website hosted on one or servers (18) via a network (16). Although Breen does not explicitly teach the servers having data storage means, it is implicit since parameters are needed to be stored [Breen: [0036]]. Additionally, Roses teaches a document server (202) as illustrated in Fig. 2 which is connected to the template database (204) for storing templates [Roses: [0028]]. The same reasons for combining as applied to claim 4 is incorporated herein.

In regards to claim **29**, claim 29 recites similar limitations as claim 11 and thus, is rejected with the same basis and rationale as claim 11. Furthermore, Furthermore, Breen teaches a user device (12) as shown in Fig. 1 which accesses a website hosted on one or servers (18) via a network (16). Although Breen does not explicitly teach the servers having data storage means, it is implicit since parameters are needed to be stored [Breen: [0036]]. Additionally, Roses teaches a document server (202) as illustrated in Fig. 2 which is connected to the template database (204) for storing templates [Roses: [0028]]. The same reasons for combining as applied to claim 4 is incorporated herein.

Breen teaches the limitations of claims **30-32** with the exception of disclosing plurality of images. However Roses teaches the use of an image basket database that stores a list of images.

In regards to claim **30**, Breen teaches a method and system for generating presentation context having text and/or images. The presentation context (22) of Fig. 1 is the context in which the media content is transformed into a presentation page, which includes page layout style [0032]. The user first requests an image (said ***selecting an image***). This image is then delivered with the image in the style sheet (i.e. available space for this image in the layout for the page (said ***image container***) [0044]. Referring to Fig. 2 of Breen, the original image as shown can be cropped in alternate ways. As shown, the graphical designer (said ***image preparer***) can select an image border area (36), a maximum image area (38), an optimum cropping area (40), and a maximum cropping area (42). This information is stored within the media content metadata profile (26) (said ***retained information***) [0037]. From the flowchart illustrated in Fig. 3, step 62 transforms the original image file according to the desired parameters, resulting in a cropped image according to the metadata profile provided (***performing cropping operation***) [0043].

Referring to Fig. 3 of Roses, a document creation and selection module (310) is connected to the template database (204) and the document database (205). The document creation and section module (310) generates documents from templates stored in the template database (204) and may save the documents in the document database (205). Images incorporated in the documents may be retrieved from the image basket database (214) may store a list of images (said ***plurality of images***). A preview and purchase module (320) provides previews of documents and generates files that may be printed and purchased [0032].

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the invention of Breen to include the retrieval module of Roses so that the multiple cropping areas of Breen (i.e. image border area (36), a maximum image area (38), an optimum cropping area (40), and a maximum cropping area (42)) as defined by the graphical designer can be saved therefore, alleviating the strains of the graphical designer to be obligated to define each area as mentioned above every time a user selects that image for use in the generation of a presentation. Thus, this saves time and energy of the graphical designer as well as providing to the user the most aesthetically pleasing (according to the graphical designer's point of view) image.

In regards to claim **31**, referring to Fig. 2 of Breen, the original image as shown can be cropped in alternate ways. The maximum cropping area (42) (said ***minimum image area***) is the smallest image that the graphical designer (said ***image preparer***) elects to be illustrated. This information is stored within the media content metadata profile (26) (said ***retained information***) [0037].

In regards to claim **32**, referring to Fig. 2 of Breen, the original image as shown can be cropped in alternate ways. The optimum cropping area (40) (said ***ideal image area***) is the preferred image that the graphical designer (said ***image preparer***) prefers to be illustrated. This information is stored within the media content metadata profile (26) (said ***retained information***) [0037].

In regards to claims **33**, **35**, and **37**, the method and system of Breen is capable of printing on paper the presentation pages [0030].

2. Claims **34**, **36** and **38** are rejected under 35 U.S.C. 103(a) as being unpatentable over Breen (2004/0117735 A1) in view of Roses (2003/0055871 A1) as applied to claims 4-16, 27-29, 33, 35, and 37 above, and further in view of Sparks et al. (6,167,382).

Breen in view of Roses teaches the limitations of claims 34, 36, and 38 with the exception of disclosing associating a keyword with the image. However, Sparks teaches a product that allows a user to compose a marketing piece that comprises text and images.

Referring to Fig. 5 of Sparks, the search request page (92) shows three ways to search for images: by keyword (98), by category (`00) or by icon (102) [col. 5, line 65 – col. 6, line 10].

Therefore, it would have been obvious to one of ordinary skill in the art to include an associated keyword within the media content metadata profile (26) of the image of Breen in order to search for an image from the image basket database of Roses to provide and quick and efficient way of searching the database for a desired image.

3. Claims **17** and **18** are rejected under 35 U.S.C. 103(a) as being unpatentable over Breen (2004/0117735 A1).

Breen teaches the limitations of claims **17** and **18** with the exception of explicitly teaching the cropped version include as much of the image as possible. However, in regards to claim **17**, Breen teaches a method and system for generating presentation context having text and/or images. The presentation context (22) of Fig. 1 is the context in which the media content is transformed into a presentation page, which includes page layout style [0032]. The user first requests an image (said ***selecting an image***). This image is then delivered with the image in the style sheet (i.e. available space for this image in the layout for the page (said ***image container***) [0044]. Referring to Fig. 2 of Breen, the original image as shown can be cropped in alternate ways. The maximum cropping area (42) (said ***minimum image area***) is the smallest image that the graphical designer (said ***image preparer***) elects to be illustrated. The maximum cropping area (42) is protected; therefore the image within the maximum cropping area (42) cannot be cropped. This information is stored within the media content metadata profile (26) (said ***retained information***) [0037]. From the flowchart illustrated in Fig. 3, step 62 transforms the original image file according to the desired parameters, resulting in a cropped image according to the metadata profile provided (***performing cropping operation***) [0043]. Furthermore, the adaptation apparatus determines the necessary cropping. The adaptation apparatus determines if the necessary cropping area at step (78) (said ***step (a)***). The adaptation process crops the image as little as possible (as close to the maximum image area as possible) (said ***step (b)***). However, if a limitation

is exceeded, e.g., if the allowable image size exceeds the size of the maximum cropping area, the content negotiations fail and exception occurs which can result in a text message being displayed, an alternated image being displayed, an error being displayed, etc. (said ***step (c)***) [0048]. Additionally, the user can the graphical designer set the minimum view size. The graphical designer can select the minimum detail level for the image border area (36), the maximum image area (38), the optimum cropping area (40), and the maximum cropping area (42), as well as their alternatives. The minimum view size is determined by adjusting the image display size on the screen and determining what the smallest size that an image can be displayed, e.g., based on scaling. The minimum view size is based on screen size and screen resolution (said ***step (b)***) [0041].

In regards to claim **18**, although not explicitly taught by Breen, it would have been obvious to one of ordinary skill in the art for the cropped version to include as much of the image as possible since the cropped version must include at least the maximum cropping area (42) (said ***minimum image area***). Since the graphical designer elects such an area, it would have been obvious that the graphical designer opts to preserve the most important features of the image since the maximum cropping area (42) is protected and therefore the image within the maximum cropping area (42) cannot be cropped [0037].

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michelle K. Lay whose telephone number is (571) 272-7661. The examiner can normally be reached on Monday-Thursday from 7:30am to 5:00pm. The examiner can also be reached on alternate Fridays from 7:30am to 4:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kee M. Tung, can be reached on (571) 272-7794. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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